

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
600 FT. S of Fitch Avenue, W/S Bennerton Drive
7726 Bennerton Drive
14th Election District
6th Councilmanic District
Michael J. McClure, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-62-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 1802.2.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 14 ft. in lieu of the required 30 ft. setback to accommodate an additional 440 sq. ft. of additional living space; a variance from Section 400.1 of the B.C.Z.R. to permit an accessory structure in the side yard in lieu of the rear yard, as required, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R.

would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of April 1991 that the Petition for a Zoning Variance from Section 1802.2.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 14 ft. in lieu of the required 30 ft. setback to accommodate an additional 440 sq. ft. of living space, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.1 of the B.C.Z.R. to permit an accessory structure (shed) in the side yard in lieu of the rear yard, as required, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

-2-

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1802.2.B of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason (indicate hardship or practical difficulty):

and 400.1 to permit a rear yard setback of 14 feet in lieu of the required 30 foot setback to accommodate an additional 440 square feet of living space and to permit an accessory structure in the side yard.

The additional square footage that is being requested by way of this variance is to shelter Michael J. McClure's handicapped mother. This addition will not infringe upon any of the existing neighboring houses.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name) Michael J. McClure

Signature

Rhoda B. McClure

(Type or Print Name)

Signature

7726 Bennerton Drive 661-9284

Baltimore, Maryland 21236

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be posted on the property on or before the _____ day of _____, 19____.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 105, County Office Building in Towson, Baltimore County.

REVIEWED BY: _____ DATE: _____



ZONING COMMISSIONER OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3553

September 26, 1991

Mr. and Mrs. Michael J. McClure
7726 Bennerton Drive
Baltimore, Maryland 21236

RE: Petition for Residential Zoning Variance
Case No. 92-62-A

Dear Mr. and Mrs. McClure:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3591.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.
cc: Peoples Counsel

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 7726 Bennerton Drive, Baltimore Maryland 21236.

(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Affiant (Handwritten Signature)

Affiant (Printed Name) Michael J. McClure

Affiant (Handwritten Signature)

Affiant (Printed Name) Rhoda B. McClure

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of August, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael J. McClure and Rhoda B. McClure

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

August 5, 1991

DATE

My Commission Expires: 2/1/1991

NOTARY PUBLIC

ZONING DESCRIPTION

Beginning at a point on the west side of Bennerton Drive which is a 50' right-of-way at the distance of approximately 600' south of the center line of Fitch Avenue which is a 30' right-of-way being Lot 18, Block A, as shown on Subdivision Plat #1 of Village of Hickory Hollow; also known as 7726 Bennerton Drive which is a panhandle lot located in the 14th Election District and 6th Councilmanic District in Baltimore County.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1444 Date of Posting 9/30/91
Posted for Variance
Petitioner Michael J. McClure, et ux
Location of property 600 Fitch Ave. W/S Bennerton Dr. 7726 Bennerton Drive
Location of Signs 14th Election District and 6th Councilmanic District
Remarks
Posted by Signature Date of return 9/30/91
Number of Signs 1

Baltimore County
Zoning Commissioner
County Office Building
211 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

09/14/91

1990/950

PUBLIC HEARING FEES

REV

PRICE

610-ZONING VARIANCE FEE

1 X

\$35.00

LAST FEE OF PUBLIC HEARING

TOTAL

\$35.00

Please Make Check Payable to Baltimore County \$35.00
BA C00P:58AND8-12-91

Cashier Validation

receipt

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 3, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: August 27, 1991

This office has no comments for item numbers 53, 64, 65, 66, 67, 68, 69, 70, 71, 74, 75, 76, 77, 78, 79 and 80.

Rahee J. Famili
Traffic Engineer II

RJP/lvd

SEPTEMBER 16, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MICHAEL J. MCCLURE
Location: 7726 BENNETTON DRIVE
Item No.: 65 Zoning Agenda: AUGUST 27, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JF/KER

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 13, 1991
Zoning Administration and
Development Management
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: HELBING Property, Item No. 53
Smith Property, Item No. 64
McClure Property, Item No. 65
Boehnlein Property, Item No. 66
Marx Property, Item No. 68
Buie Property, Item No. 69
Pulaski Property, Item No. 70
Wollschlager Property, Item No. 72
Bray Property, Item No. 74
Graves Property, Item No. 75
Sylvia Property, Item No. 76
Long Property, Item No. 78
Pearl Property, Item No. 79
Casey Property, Item No. 80
Edwards Property, Item No. 81
Tyson Property, Item No. 85
Skidmore Property, Item No. 88
Williams Property, Item No. 89
Restivo Property, Item No. 90
Didier Property, Item No. 97
Wesolowski Property, Item No. 102
Griffin Property, Item No. 103
Burgwin Property, Item No. 104
Ghent Property, Item No. 110
Lingo Property, Item No. 111
Bates Property, Item No. 112
Bond Property, Item No. 115

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEM47/TXTRO2

Rec 9/16/91

92-02-A
9/15
BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
September 27, 1991
TO: ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: RICHARD F. SEIM, PLANS REVIEW CHIEF,
DEPARTMENT OF PERMITS & LICENSES
SUBJECT: ZONING ITEM #: 65
PROPERTY OWNER: Michael J. McClure, et ux
LOCATION: 600' S of Fitch Avenue, W/S Bennerton Drive
ELECTION DISTRICT: 6th
COUNCILMANIC DISTRICT: 14th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- () A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0 COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

TO: HEARING OFFICER
92-62-A

PETITION PROCESSING FLAG

This petition has been accepted for filing by David A. Green and has been placed on the zoning hearing agenda. However, the submitted minimum or accepted materials must be corrected/included before the application can be considered correct and complete:

- Need an attorney.
- Following information is missing:
 - Descriptions, including accurate beginning point
 - Actual address of property
 - Zoning
 - Acreage
 - Election district
 - Councilmanic district
 - B.C.Z.R. section information/wording
 - Hardship/practical difficulty information
 - 200 scale zoning map
 - Owner's signature and/or name and/or address and/or telephone number
 - Contract purchaser's signature and/or name and/or address and/or telephone number
 - Signature and/or printed name and/or title of person signing for company.

Not "original" signatures on all copies of petition forms.

Need 12 plats. Only submitted.

Plats need to be folded to 8-1/2" x 11".

Petition Agenda Check by SCJ

cc: Project Reviewer - D. Green
Petitioner - McClure
File

111 West Chesapeake Avenue
Towson, MD 21204

August 21, 1991

887-3353

Michelle and Rhoda McClure
7726 Bennerton Drive
Baltimore, Maryland 21236

COPY

Re: CASE NUMBER: 92-62-A
LOCATION: 600' S of Fitch Avenue, W/S Bennerton Drive
7726 Bennerton Drive

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 1, 1991. The closing date is September 16, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
(301) 887-3391

Mr. David A. Green
Baltimore County Government
Office of Zoning Administration
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case #92-62A
Item #65
7726 Bennerton Drive

Dear Mr. Green,

Your office has requested information about my petition for Administrative Zoning Variance. I hope the following will satisfy your request.

I have requested the variance in order to construct additional living space. The need for additional space is requested for two reasons: My son from a previous marriage is presently in the US Marine Corp and will be visiting/living with me. His mother has relocated to Cleveland, Ohio. Second, my mother is in a nursing home; she is a double amputee. I would like to have the additional space to allow her overnight and weekend visits.

If you have any questions, please contact me.

Sincerely,

Michael J. McClure
7726 Bennerton Drive
21236

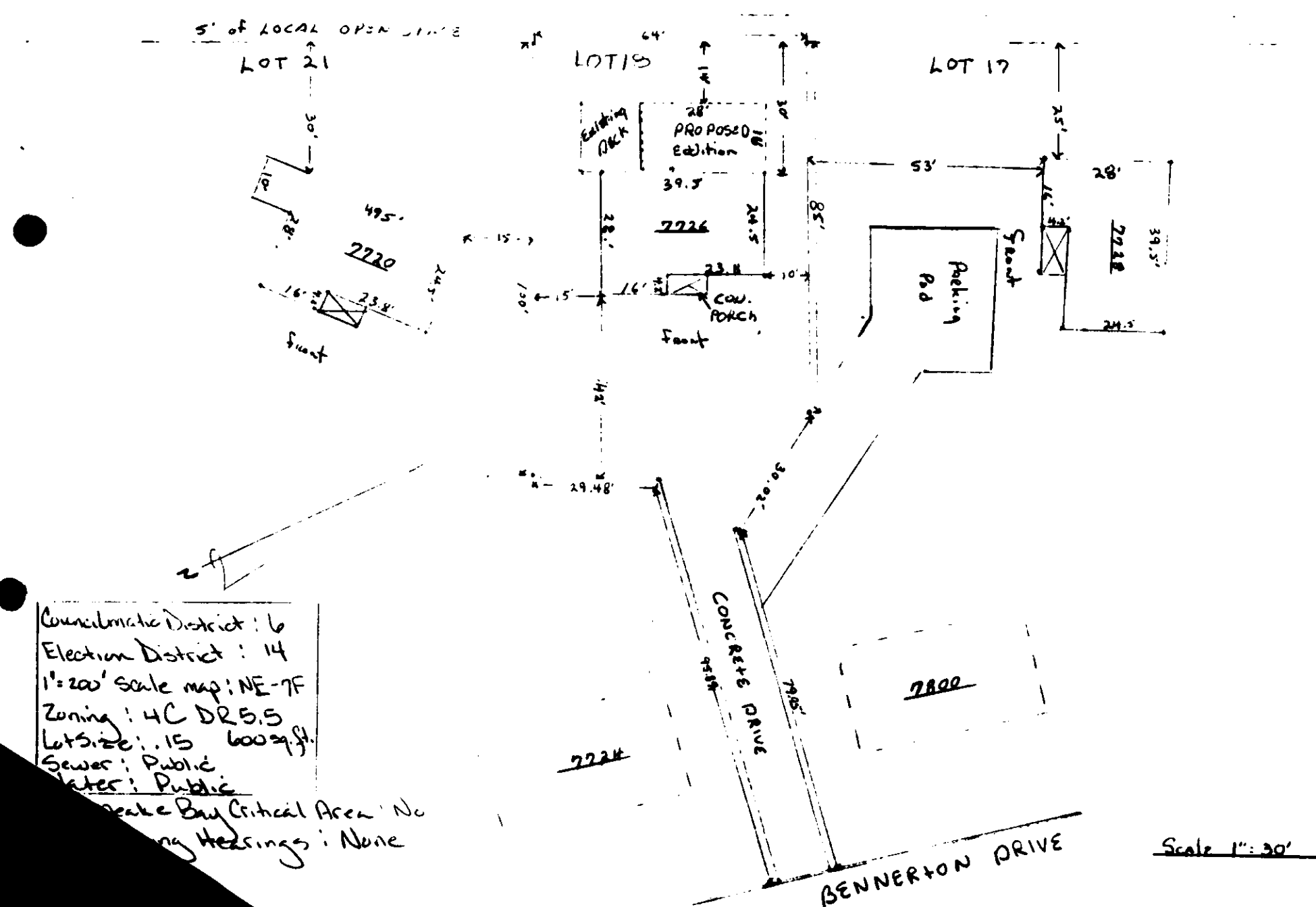
RECEIVED
SEP 6 1991

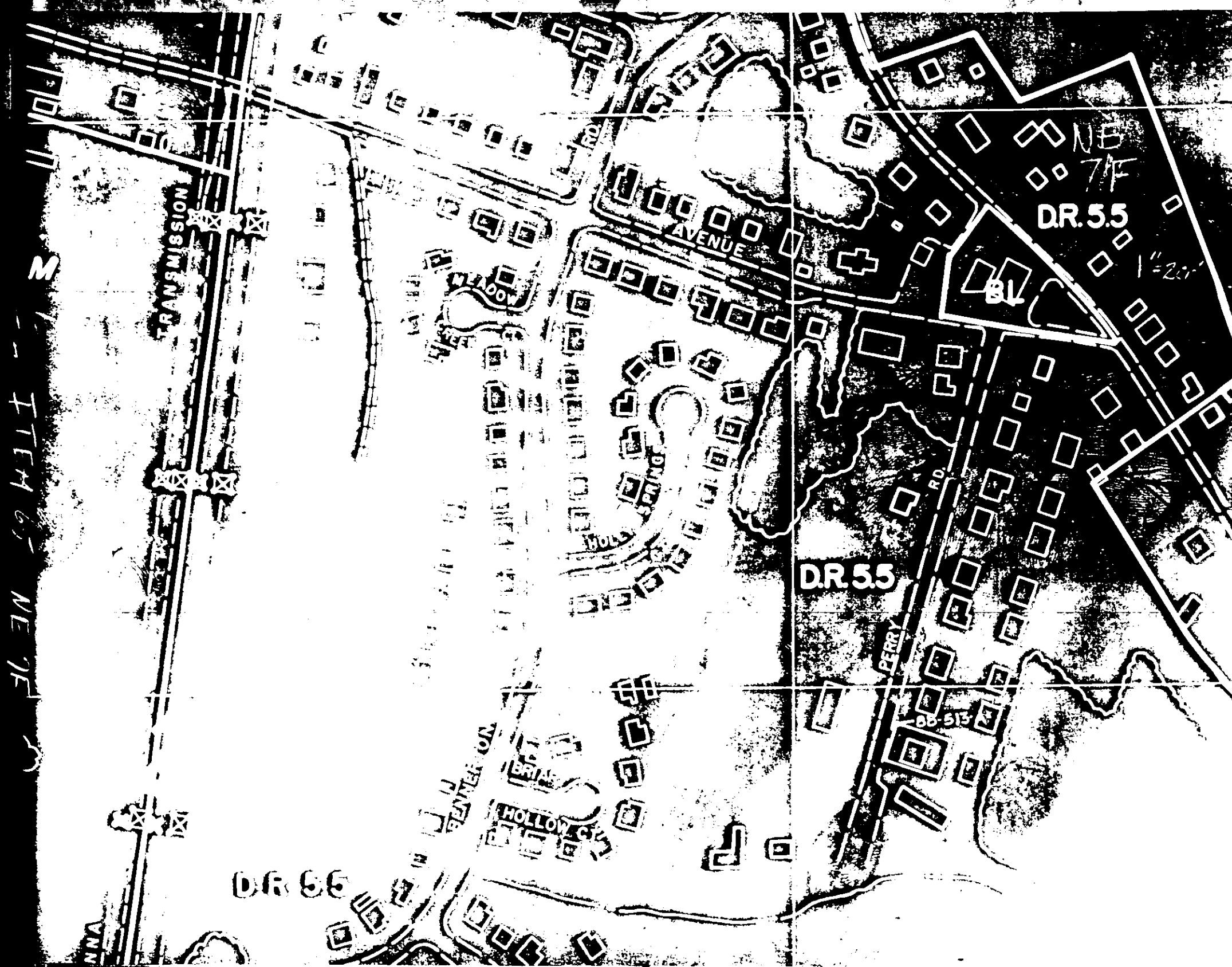
ZONING OFFICE

TO WHO IT MAY CONCERN:

MICHAEL AND RHODA MC CLURE WHO RESIDE AT 7726 BENNETTON DRIVE ARE APPLYING FOR A BUILDING VARIANCE TO CONSTRUCT A 16' BY 28' ADDITION TO THE REAR OF OUR EXISTING HOUSE. PLEASE ALLOW MY SIGNATURE AFFIXED BELOW TO SHOW THAT I AM AWARE OF THEIR INTENT AND DO NOT FIND THIS TO BE A PROBLEM.

NAME: Patricia L. McClure ADDRESS: 7724 Bennerton Drive DATE: 9-3-91





PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSDALE, W.V. 26041

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING AERIAL PHOTOGRAPHIC MAP

SCALE	LOCATION
1" = 200'	BULLERTON
DATE OF PHOTOGRAPHY	
JANUARY 1966	

ITEM 65